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**FAX TRANSMITTAL SHEET****NO. OF PAGES** (including this page): 13

**TO:** Mail Stop MISSING PARTS  
 Commissioner for Patents  
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 Alexandria, VA 22313-1450

**Attn:** Office of Initial Patent Examination  
**FAX:** (703) 746-4060

**FROM:** Sheela Mohan-Peterson  
**DATE:** November 4, 2004

**RE:** Docket No.: DX0935KC  
 USSN: 10/777,789  
 Filed: 02/11/2004  
**Title:** MAMMALIAN CYTOKINES; RELATED REAGENTS AND METHODS

O I P E / JLS  
NOV - 5 2004

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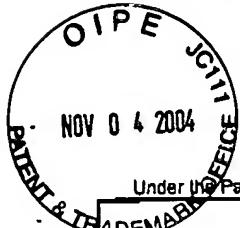
Documents attached:

- Transmittal (1 page)
- Fee Transmittal (in duplicate) (2 pages)
- Response to Notice to File Missing Parts of Application (2 pages)
- Copy of executed Declaration (3 pages)
- Copy of initial Return Receipt postcard (1 Page)
- Copy of Utility Patent Application Transmittal (1 pages)
- Copy of Notice to File Missing Parts of Application (2 pages)

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Melanie Lyons

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PTO/SB/21 (03-03)  
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

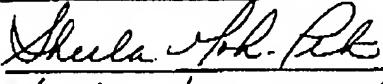
Total Number of Pages in This Submission

	Application Number	10/777,789	
	Filing Date	02/11/2004	
	First Named Inventor	Birgit Oppmann	
	Art Unit	1653	
	Examiner Name		
Total Number of Pages in This Submission	13	Attorney Docket Number	DX0935KC

### ENCLOSURES (Check all that apply)

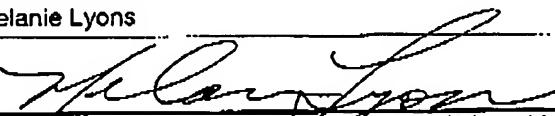
<input checked="" type="checkbox"/> Fee Transmittal Form, in duplicate	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application (2 pages)		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
	<b>Remarks:</b>	
	1. copy of executed Declaration (3 pages)	
	2. copy of initial Return Receipt Postcard (1 pages)	
	3. copy of Utility Patent Application Transmittal (1 pages)	
	4. copy of Notice to File Missing Parts of Nonprovisional Application (2 pages)	
	5. Fax Transmittal Sheet (1 page)	

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Sheela Mohan-Peterson, Reg. No. 41,201 DNAX Research, Inc. 901 California Ave. Palo Alto, CA 94304-1104
Signature	
Date	04-November-2004

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

Typed or printed	Melanie Lyons		Date	Nov. 4, 2004
Signature				

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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# FEET TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

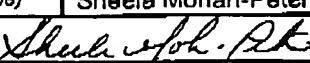
 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1,188.00)

## Complete If Known

Application Number	10/777,789
Filing Date	02/11/2004
First Named Inventor	Birgit Oppmann
Examiner Name	Unassigned
Art Unit	1653
Attorney Docket No.	DX0935KC

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																																																																																																																																											
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: <u>04-1239</u> Deposit Account Name: <u>DNAX Research, Inc.</u> The Commissioner is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.				<b>3. ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Fee</td> <td>Fee</td> <td>Fee</td> <td>Fee</td> </tr> <tr> <td>Code (\$)</td> <td>Code (\$)</td> <td>Code (\$)</td> <td>Code (\$)</td> </tr> <tr> <td>1051 130</td> <td>2051 65</td> <td>Surcharge - late filing fee or oath</td> <td><u>130</u></td> </tr> <tr> <td>1052 50</td> <td>2052 25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td>_____</td> </tr> <tr> <td>1053 130</td> <td>1053 130</td> <td>Non-English specification</td> <td>_____</td> </tr> <tr> <td>1812 2,520</td> <td>1812 2,520</td> <td>For filing a request for ex parte reexamination</td> <td>_____</td> </tr> <tr> <td>1804 920*</td> <td>1804 920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td>_____</td> </tr> <tr> <td>1805 1,840*</td> <td>1805 1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td>_____</td> </tr> <tr> <td>1251 110</td> <td>2251 55</td> <td>Extension for reply within first month</td> <td>_____</td> </tr> <tr> <td>1252 420</td> <td>2252 210</td> <td>Extension for reply within second month</td> <td>_____</td> </tr> <tr> <td>1253 950</td> <td>2253 475</td> <td>Extension for reply within third month</td> <td>_____</td> </tr> <tr> <td>1254 1,480</td> <td>2254 740</td> <td>Extension for reply within fourth month</td> <td>_____</td> </tr> <tr> <td>1255 2,010</td> <td>2255 1,005</td> <td>Extension for reply within fifth month</td> <td>_____</td> </tr> <tr> <td>1401 330</td> <td>2401 165</td> <td>Notice of Appeal</td> <td>_____</td> </tr> <tr> <td>1402 330</td> <td>2402 165</td> <td>Filing a brief in support of an appeal</td> <td>_____</td> </tr> <tr> <td>1403 290</td> <td>2403 145</td> <td>Request for oral hearing</td> <td>_____</td> </tr> <tr> <td>1451 1,510</td> <td>1451 1,510</td> <td>Petition to institute a public use proceeding</td> <td>_____</td> </tr> <tr> <td>1452 110</td> <td>2452 55</td> <td>Petition to revive - unavoidable</td> <td>_____</td> </tr> <tr> <td>1453 1,330</td> <td>2453 665</td> <td>Petition to revive - unintentional</td> <td>_____</td> </tr> <tr> <td>1501 1,330</td> <td>2501 665</td> <td>Utility issue fee (or reissue)</td> <td>_____</td> </tr> <tr> <td>1502 480</td> <td>2502 240</td> <td>Design issue fee</td> <td>_____</td> </tr> <tr> <td>1503 640</td> <td>2503 320</td> <td>Plant issue fee</td> <td>_____</td> </tr> <tr> <td>1450 130</td> <td>1460 130</td> <td>Petitions to the Commissioner</td> <td>_____</td> </tr> <tr> <td>1807 50</td> <td>1807 50</td> <td>Processing fee under 37 CFR 1.17(q)</td> <td>_____</td> </tr> <tr> <td>1806 180</td> <td>1806 180</td> <td>Submission of Information Disclosure Stmt</td> <td>_____</td> </tr> <tr> <td>8021 40</td> <td>8021 40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td>_____</td> </tr> <tr> <td>1809 770</td> <td>2809 385</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td>_____</td> </tr> <tr> <td>1810 770</td> <td>2810 385</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td>_____</td> </tr> <tr> <td>1801 770</td> <td>2801 385</td> <td>Request for Continued Examination (RCE)</td> <td>_____</td> </tr> <tr> <td>1802 900</td> <td>1802 900</td> <td>Request for expedited examination of a design application</td> <td>_____</td> </tr> <tr> <td colspan="4">Other fee (specify) _____</td> </tr> <tr> <td colspan="4">* Reduced by Basic Filing Fee Paid</td> </tr> <tr> <td colspan="4" style="text-align: right;">SUBTOTAL (3) \$ 130</td> </tr> </tbody> </table>				Large Entity	Small Entity	Fee Description	Fee Paid	Fee	Fee	Fee	Fee	Code (\$)	Code (\$)	Code (\$)	Code (\$)	1051 130	2051 65	Surcharge - late filing fee or oath	<u>130</u>	1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	_____	1053 130	1053 130	Non-English specification	_____	1812 2,520	1812 2,520	For filing a request for ex parte reexamination	_____	1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	_____	1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	_____	1251 110	2251 55	Extension for reply within first month	_____	1252 420	2252 210	Extension for reply within second month	_____	1253 950	2253 475	Extension for reply within third month	_____	1254 1,480	2254 740	Extension for reply within fourth month	_____	1255 2,010	2255 1,005	Extension for reply within fifth month	_____	1401 330	2401 165	Notice of Appeal	_____	1402 330	2402 165	Filing a brief in support of an appeal	_____	1403 290	2403 145	Request for oral hearing	_____	1451 1,510	1451 1,510	Petition to institute a public use proceeding	_____	1452 110	2452 55	Petition to revive - unavoidable	_____	1453 1,330	2453 665	Petition to revive - unintentional	_____	1501 1,330	2501 665	Utility issue fee (or reissue)	_____	1502 480	2502 240	Design issue fee	_____	1503 640	2503 320	Plant issue fee	_____	1450 130	1460 130	Petitions to the Commissioner	_____	1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	_____	1806 180	1806 180	Submission of Information Disclosure Stmt	_____	8021 40	8021 40	Recording each patent assignment per property (times number of properties)	_____	1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	_____	1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	_____	1801 770	2801 385	Request for Continued Examination (RCE)	_____	1802 900	1802 900	Request for expedited examination of a design application	_____	Other fee (specify) _____				* Reduced by Basic Filing Fee Paid				SUBTOTAL (3) \$ 130			
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** or number previously paid, if greater; For Reissues, see above																																																																																																																																															

SUBMITTED BY		(Complete if applicable)		
Name (Print/Type)	Sheela Mohan-Peterson	Registration No.	41,201	Telephone 1-650-496-6400
Signature			Date	4-Nov-2004

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Attorney Docket: DX0935KC



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re application of:

Birgit OPPMANN

Application No.: 10/777,789

Filed: February 11, 2004

For: MAMMALIAN CYTOKINES; RELATED REAGENTS AND METHODS

Examiner: Unknown

Art Unit: 1653

Conf. No.: 4562

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

by:

MELANIE LYONS

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed by the United States Patent and Trademark Office on April 8, 2004, enclosed are the following to be made of record in the above-identified application:

- 1) a copy of the executed *Declaration and Power of Attorney for Patent Application* signed by all the inventors, as filed on February 11, 2004, with the initial filing documents, in compliance with 37 CFR 1.63 (as evidenced by the enclosed copies: Return Receipt Postcard with the U.S. PTO stamp and Utility Patent Application Transmittal);
- 2) a copy of the *Notice to File Missing Parts of Nonprovisional Application*; and,
- 3) a Fee Transmittal authorizing the PTO to charge the following fees:
  - a) the late filing fee surcharge of \$130.00;
  - b) the application filing fee of \$790.00; and,

10/777,789

1

DX0935KC

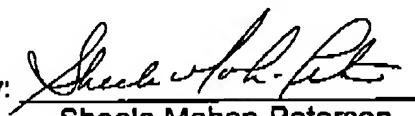
c) the additional claim fees for this application of \$268.00.

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment to DNAX Research Institute Deposit Account No. 04-1239.

Please telephone the undersigned at (650) 496-6400, if there are any questions.

Respectfully submitted,

Date: 4-November-2004

By:   
Sheela Mohan-Peterson  
Attorney for Applicants  
Reg. No. 41,201

Customer No. 028008  
DNAX Research, Inc.  
901 California Avenue  
Palo Alto, California 94304-1104  
Main: (650) 496-6400  
Direct: (650) 496-1244  
Fax: (650) 496-1200



Atty. Docket No:	DX0935KC	Date Mailed: February 11, 2004
Applicants:	Birgit OPPMANN, et al.	
Application No.:	Unassigned	
Filing Date:	Herewith	
Title: Mammalian Cytokines; Related Reagents and Methods		

Please imprint Patent Office "date stamp" hereon to indicate receipt and then return card to addressee

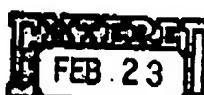
1. Utility Patent Application Transmittal (1 pg.)
2. Fee Transmittal, in duplicate (2 pgs.)
3. Cover Sheet for patent application with Express Mail Certificate of Mailing (1 pg)
4. Specification, including Claims, Sequence Listing, and Abstract [copy from parent application] (113 pgs.)
5. Declaration, executed copy from parent application (3 pgs.)
6. Use of Prior Sequence Submission (1 pg.) with copy of Sequence Listing (14 pgs.)
7. Return Receipt Postcard

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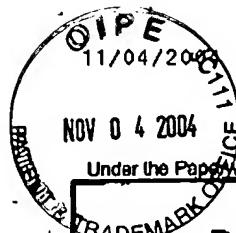
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Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	DX0935KC
First Inventor	Blirgit OPPMANN
Title	Mammalian Cytokines; Related Reagents and Methods
Express Mail Label No.	EL 982 851 182 US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17) (submit an original and 2 duplicates for fee processing)
2.  Applicant claims small entity status. See 37 CFR 1.27.
3.  Specification [Total Pages 113] (preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - References to sequence listing, a table, or a computer program listing appendix
  - Background of the invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [Total Pages \_\_\_\_\_]
5. Oath or Declaration [Total Pages 3]
  - a.  New executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed)
    - i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

7.  CD-ROM or CD-R In duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a.  Computer Readable Form (CRF)
  - b.  Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(b) Statement Power of Attorney (when there is an assignee)
11.  English Translation Document (if applicable)
12.  Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15.  Certified Copy of Priority Document(s) (if foreign priority is claimed)
16.  Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: \_\_\_\_\_

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation  Divisional Continuation-in-part (CIP) of prior application No.: 09/521,335

Prior application information: Examiner: R.C. HAYES Group Art Unit: 1647

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label <b>28008</b>	or _____	Correspondence address below:
		DNAX Research, Inc. 901 California Ave. Palo Alto, CA 94304 Telephone: (650) 496-8400 Facsimile: (650) 496-1200

Name (Print/Type)	Sheela Mohan-Peterson, Reg. No. 41,201		
Signature		Date	11-Feb-2004



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United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/777,789	02/11/2004	Birgit Oppmann	DX0935KC

28008  
DNAX RESEARCH, INC.  
LEGAL DEPARTMENT  
901 CALIFORNIA AVENUE  
PALO ALTO, CA 94304

CONFIRMATION NO. 4562

FORMALITIES LETTER



"OC000000013782746"

Date Mailed: 09/13/2004



**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$266 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$1166** for a Large Entity

	11/05/2004	CNGUYEN	0000095	041239	10777789
• \$770 Statutory basic filing fee.	01	FC:1001	790.00	DA	
• \$130 Late oath or declaration Surcharge.	02	FC:1051	130.00	DA	
	03	FC:1201	88.00	DA	
• Total additional claim fee(s) for this application is \$266	04	FC:1202	180.00	DA	

- **\$86 for 1 independent claims over 3.**
- **\$180 for 10 total claims over 20.**

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*B-H*  
*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE